

The State of New Hampshire

COUNTY OF CARROLL 3RD CIRCUIT-DISTRICT DIVISION-OSSIPEE

State of New Hampshire v. Josephine Amatucci
Docket No: 464-2014-CR-00838

ORDER REGARDING PRODUCTION OF EVIDENCE

Defendant, Josephine Amatucci, was scheduled this date for trial in connection with a Class A Misdemeanor complaint charging Disobeying an Officer and a violation level offense of Speed-Basic Rule. Ms. Amatucci had filed a Motion for Jury Trial on September 16, 2014. The court explained that the district court could not convene a jury trial and could not simply transfer her case to the superior court. The court explained District Court Rule 2.14 as an alternative method for her to get the case before the superior court for jury trial. Ms. Amatucci would not accept that the court would need to find her guilty based on the State's offer of proof in order to comply with a Rule 2.14 transfer to the superior court. It did not assuage her to remind her that she would be maintaining her plea of not guilty.

The court moved on to a discovery issue raised by Ms. Amatucci. In a prior hearing, Judge Patten had ordered the Wolfeboro Police Department to provide Ms. Amatucci with a copy of a video tape depicting Ms. Amatucci in the lobby of the Wolfeboro Police Department's lobby on May 7, 2014. Prosecutor Morgan advised the court that a copy had been provided to her by mail on September 5, 2014. Ms. Amatucci asserts that the disc supplied to her does not depict her interaction in the lobby on May 7, 2014, but rather at some other time. Attorney Morgan explained that the security camera in the lobby is a constant feed system which records over itself. In order to comply with Judge Patten's order, the department contacted the installer of the system, Knight Security, to have the data for May 7, 2014 retrieved. The disc sent to Ms. Amatucci was the result of Knight Security's efforts. In that there was no one present from Knight Security, the court ordered the Wolfeboro Police Department to produce for further hearing the representative who did the retrieval in order for Ms. Amatucci and the court to inquire.

Denied
MR. A
Jury Trial
TRIAL

THE STATE OF NEW HAMPSHIRE

CARROLL, SS

SUPERIOR COURT

IN RE: JOSEPHINE AMATUCCI

(Circuit Court Docket Number 464-2014-CR-00836)

ORDER

On August 23, August 29, and September 1, 2016, Josephine AmatuCCI ("AmatuCCI") presented the Superior Court with three pleadings and corresponding attachments. All three of her pleadings address her request for an expedited jury trial regarding an incident that occurred in the Spring of 2014. The matter went to trial, heard by Circuit Court (Patten, J.) in June 2014.

AmatuCCI was found not guilty in the Circuit Court on one count of speeding and guilty of one count of disobeying an officer. The disobeying an officer charge was initially brought as a class A misdemeanor. Ms. AmatuCCI was sentenced to a monetary fine, to be suspended for one year conditioned upon good behavior, as well as a suspended driver's license and a suspended motor vehicle registration. Both suspensions were held in abeyance for one year conditioned upon good behavior.

In April 2016, the New Hampshire Supreme Court issued an Order in this case - affirming AmatuCCI's conviction. See, State of New Hampshire v. Josephine AmatuCCI, No. 2015-0562 (April -, 2016). The Supreme Court unanimously affirmed the Circuit Court's decision. For the above stated reasons, AmatuCCI is barred from a jury trial in the Superior Court.

Further filings in this court asserting a request for a jury trial on the 2014 conviction will not be docketed.

SO ORDERED.

10/4/16
Date

Amy L. Ignatius
Hon. Amy L. Ignatius
Presiding Justice

Amy L. Ignatius
Presiding Justice